

# **EXHIBIT B**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,073	07/30/2008	7240025 B2	23373-007RX1	4124
7590 MICHAEL F. HELM HELM, PAYNE & CHORUSH, LLP 600 TRAVIS STREET SUITE 6710 HOUSTON, TX 77002		11/21/2008	EXAMINER GELLNER, JEFFREY L	
			ART UNIT 3993	PAPER NUMBER
			MAIL DATE 11/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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**Transmittal of Communication to Third Party Requester  
*Inter Partes* Reexamination**

REEXAMINATION CONTROL NUMBER 95/001,073.

PATENT NUMBER 7,240,025 B2.

TECHNOLOGY CENTER 3999.

ART UNIT 3993.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

**All correspondence** relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

<b>OFFICE ACTION IN INTER PARTES REEXAMINATION</b>	Control No.	Patent Under Reexamination	
	95/001,073	7240025 B2 ET AL.	
	Examiner Jeffrey L. Gellner	Art Unit 3993	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on \_\_\_\_\_  
Third Party(ies) on 30 July 2008

#### RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

##### For Patent Owner's Response:

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

##### For Third Party Requester's Comments on the Patent Owner Response:

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

#### PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892  
 2.  Information Disclosure Citation, PTO/SB/08  
 3.  \_\_\_\_\_

#### PART II. SUMMARY OF ACTION:

- 1a.  Claims See Continuation Sheet are subject to reexamination.
- 1b.  Claims 2-5, 8-10, 18, 19, 21, 22, 25-27, 33-35, 40-44, 48, 49, 53-61, 64-78, 80, 82-89, 92-139, 142-147, 149-178, 180-184, 187-189, 197, 198, 200, 201, 204-206, 212-214, 219-223, 227, 228, 232-240, 243-257, 259, 261-268, 271-318, 321-326, 328-397 are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been canceled.
3.  Claims \_\_\_\_\_ are confirmed. [Unamended patent claims]
4.  Claims \_\_\_\_\_ are patentable. [Amended or new claims]
5.  Claims See Continuation Sheet are rejected.
6.  Claims \_\_\_\_\_ are objected to.
7.  The drawings filed on \_\_\_\_\_  are acceptable  are not acceptable.
8.  The drawing correction request filed on \_\_\_\_\_ is:  approved.  disapproved.
9.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:  been received.  not been received.  been filed in Application/Control No 95001073.
10.  Other \_\_\_\_\_

Continuation of SUMMARY OF ACTION: 1a. Claims subject to reexamination are 1,6,7,11-17,20,23,24,28-32,36-39,45-47,50-52,62,63,79,81,90,91,140,141,148,179,185,186,190-196,199,202,203,207-211,215-218,224-226,229-231,241,242,258,260,269,270,319,320 and 327.

Continuation of SUMMARY OF ACTION: 5. Claims rejected are 1,6,7,11-17,20,23,24,28-32,36-39,45-47,50-52,62,63,79,81,90,91,140,141,148,179,185,186,190-196,199,202,203,207-211,215-218,224-226,229-231,241,242,258,260,269,270,319,320 and 327.